

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Shawn Clarke Spottswood,

Civ. No. 21-481 (PAM/BRT)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Ramsey County MN, Ramsey County MN
Child Protective Services, Anna Coyle,
Mark Costello, Leslie Ott Marek, and
Renee Michalow,

Defendants.

In an Order dated March 31, 2021, this Court ordered Plaintiff Shawn Clarke Spottswood to submit “a filing explaining why this Court has jurisdiction over this action” and provide certain information about any relevant state-court litigation. (Doc. No. 3, Order 3–4.) The Court gave Spottswood until April 30, 2021, to perform these tasks, failing which the Court would recommend dismissing this action without prejudice for failure to prosecute. (*Id.* at 4); *see also* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Spottswood has not submitted the required materials. In fact, Spottswood has not communicated with the Court about this case at all since commencing it. Accordingly, this Court now recommends, in accordance with its prior Order, that this action be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has

discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”). Given this recommendation, the Court further recommends denying as moot Spottswood's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. No. 2).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that:

1. This action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
2. Plaintiff Shawn Clarke Spottswood's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. No. 2) be **DENIED** as moot.

Dated: May 7, 2021

s/ Becky R. Thorson
 BECKY R. THORSON
 United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See Local Rule 72.2(b)(2).* All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).